

ZTP04P00116 - Application No. 10/587,192
Response to Office action November 25, 2009
Response submitted February 25, 2010

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 13-24 remain in the application. Claims 13, 18, and 19 have been amended. Claims 1-12 were previously cancelled.

In item 2 on page 3 of the Office action, the disclosure has been objected to because of the following formalities.

The Examiner stated that the specification mentions "claim 1" in paragraph 0006. The specification has been amended so as to delete paragraph 006 of the specification. Therefore, the objection to the disclosure by the Examiner has been overcome.

In item 3 on page 3 of the Office action the drawings have been objected to as failing to comply with 37 CFR 1.84 (p)(5).

The examiner stated that the drawings include the reference characters P, n, C1, and C2 not mentioned in the specification.

It is respectfully noted that the Examiner is in error. Particularly, the above-noted reference symbols are all explicitly mentioned in paragraph 030 of the specification.

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Therefore, the drawings have not been amended to overcome the objection to the drawings by the Examiner.

In item 5 on page 3 of the above-identified Office action, claims 15 and 20 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner alleges that the phrase "time behavior of an electromotive force" is not understood. The Examiner is respectfully directed to paragraph 26 of the specification, which discloses the electromotive force. Accordingly, claim 20 does meet the requirements of 35 U.S.C. § 112, 2nd paragraph. Therefore, claim 20 has not been amended to overcome the rejection.

The Examiner alleges that claim 15 is not understood. The Examiner's allegation is vague. The Examiner is respectfully directed to paragraphs 30 and 31 of the specification. Accordingly, claim 15 does meet the requirements of 35 U.S.C. § 112, 2nd paragraph. Therefore, claim 15 has not been amended to overcome the rejection.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would

appreciate a telephone call during which the matter may be resolved.

In item 6 on page 4 of the Office action, claims 13 to 14, 22, and 24 have been rejected as being fully anticipated by Haverkramp (DE 38 03 006) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in paragraph 030 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 13 calls for, *inter alia*:

a monitoring device configured for detecting an actual rotational speed of the motor delivered by a rotational speed measuring circuit and an actual power of the motor calculated using a current intensity delivered simultaneously by a current measuring circuit, a read only memory connected to the monitoring device, the read only memory storing a plurality of predetermined rotational speed-power characteristics each describing a relationship between rotational speed and input electrical power, the monitoring device configured for respectively selecting a characteristic allocated to a current position of the directional valve, the monitoring

device configured for reading a theoretical power value from the read only memory corresponding to the actual speed according to the characteristic, the monitoring device configured for comparing the theoretical power value with the actual power and generating a fault indication if the actual power differs from the theoretical power by more than a permissible amount.

Haverkramp discloses that a spraying system is fed by a circulation pump driven by an electric motor. Haverkramp discloses means for measuring the current input and/or the capacitor voltage and/or the rotational speed of the electric motor. Haverkramp does not disclose that a stored relationship between a rotational speed and an input electrical power is compared with an actual power at an actual rotational speed.

As seen from the above-given remarks, the reference does not show a monitoring device configured for detecting an actual rotational speed of the motor delivered by a rotational speed measuring circuit and an actual power of the motor calculated using a current intensity delivered simultaneously by a current measuring circuit, a read only memory connected to the monitoring device, the read only memory storing a plurality of predetermined rotational speed-power characteristics each describing a relationship between rotational speed and input electrical power, the monitoring device configured for respectively selecting a characteristic allocated to a current

position of the directional valve, the monitoring device configured for reading a theoretical power value from the read only memory corresponding to the actual speed according to the characteristic, the monitoring device configured for comparing the theoretical power value with the actual power and generating a fault indication if the actual power differs from the theoretical power by more than a permissible amount, as recited in claim 13 of the instant application.

Since claim 13 is allowable over Haverkramp, dependent claims 14, 22, and 24 are allowable over Haverkramp as well.

In item 10 on page 5 of the Office action, claim 23 has been rejected as being obvious over Haverkramp (DE 38 03 006) in view of Omozawa et al. (JP 2001-339980) (hereinafter "Omozawa") under 35 U.S.C. § 103. Omozawa does not make up for the deficiencies of Haverkramp. Since claim 13 is allowable dependent claims 23 is allowable as well.

In item 12 on page 5 of the Office action, claims 15 and 16 have been rejected as being obvious over Haverkramp (DE 38 03 006) under 35 U.S.C. § 103. Since claim 13 is allowable dependent claims 15 and 16 are allowable as well.

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In item 14 on page 6 of the Office action, claim 18 has been rejected as being obvious over Haverkramp (DE 38 03 006) in view of Nomura et al. (JP 2002-051964) under 35 U.S.C. § 103. Nomura does not make up for the deficiencies of Haverkramp. Since claim 13 is allowable dependent claim 18 is allowable as well.

In item 16 on page 6 of the Office action, claim 17 has been rejected as being obvious over Haverkramp (DE 38 03 006) in view of Takahashi et al. (JP 9-38014) (hereinafter "Takahashi") under 35 U.S.C. § 103. Takahashi does not make up for the deficiencies of Haverkramp. Since claim 13 is allowable dependent claim 17 is allowable as well.

In item 18 on page 6 of the Office action, claim 21 has been rejected as being obvious over Haverkramp (DE 38 03 006) in view of Smith et al, (U.S. Patent No. 3,542,496) (hereinafter "Smith") under 35 U.S.C. § 103. Smith does not make up for the deficiencies of Haverkramp. Since claim 13 is allowable dependent claim 21 is allowable as well.

In item 20 on page 7 of the Office action, claim 20 has been rejected as being obvious over Haverkramp (DE 38 03 006) in view of Bourgeois (U.S. Patent No. 5,859,520) under 35 U.S.C. § 103. Bourgeois does not make up for the deficiencies of

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Haverkramp. Since claim 13 is allowable dependent claim 20 is allowable as well.

In item 22 on page 7 of the Office action, claim 19 has been rejected as being obvious over Haverkramp (DE 38 03 006) under 35 U.S.C. § 103. Since claim 13 is allowable dependent claim 19 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 13. Claim 13 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 13, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 13-24 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

Alfred K. Dassler
Reg. No.: 52,794

AKD:sa

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Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101